IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32660 of 2007(K)

PETITIONER:

SHAJEE THOMAS, SON OF LATE P.T.THOMAS,
AGED 37 YEARS, PROPRIETOR, THOMAS & THOMAS
ENTERPRISES, PERUMBA, PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.V.C.JAMES
SRI.SERGI JOSEPH THOMAS
SRI.GEORGE MECHERIL

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIVISIONAL FOREST OFFICER,
KANNUR DIVISION, KANNUR-12.

3. THE SPECIAL DEPUTY TAHSILDAR (RR),
TALIPARAMBA, KANNUR DISTRICT.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 32660/2007

Dated this the 5th day of November, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P3 communication issued by the Divisional Forest Officer requiring the petitioner to pay an amount of Rs.2,56,592/-, which was stated to be the loss sustained by the Government, in a re-auction of Teak poles, which was originally bid by the petitioner. Exts.P4 and P5 are the notices under the Revenue Recovery Act issued in consequence of Ext.P3. According to the petitioner, he was not heard prior to the passing of Ext.P3. In my view, petitioner should have first approached the Government, if he is aggrieved by Ext.P3. It would be open to him to approach the Government if he is aggrieved by Ext.P3.

2. In the circumstances, this writ petition is disposed of permitting the petitioner to approach the Government as against Ext.P3 with a representation within one month from the date of receipt of a copy of this judgment. If so filed, the same shall be treated as within time and the first

respondent shall take a decision thereon within three months thereafter, after hearing the petitioner.

3. Pending decision by the Government, Ext.P4 and Ext.P5 shall be kept in abeyance.

V.GIRI
Judge

mrcs